

EXHIBIT 7

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SUSAN COONEY,

No. 04-11572JLT

Plaintiff,

vs.

SAYBROOK GRADUATE SCHOOL
AND RESEARCH CENTER and
MAUREEN O'HARA, Individually,

COPY

Defendants.

Deposition of

MAUREEN O'HARA

Monday, March 13, 2006

NOTICING ATTORNEY: PAUL W. MORENBERG

REPORTED BY: JANICE M. JOBE, CSR NO. 4734

GOLDEN GATE REPORTERS LLC
35 Mitchell Boulevard, Suite 8
San Rafael, CA 94903-2010
(415) 491-4611 * 1-800-442-4611
FAX (415) 491-4635

email: ggr35@depos.com

web: <http://www.depos.com>

1 Q. Have you been a resident ever since?

2 A. I have.

3 Q. You're still a British citizen?

4 A. I am.

5 Q. Do you have U.S. citizenship or just residency?

6 A. No. I have residency, but not citizenship.

7 Q. What is your current residence address?

8 A. 138 Altura Way, Greenbrae, California 94904.

9 Q. How long have you lived at that address?

10 A. Three years.

11 Q. Do you have any present intentions to move?

12 A. No.

13 Q. Does anyone live at that address with you?

14 A. Yes, my husband.

15 Q. And what is your husband's occupation?

16 A. He's a web designer.

17 Q. Can you tell me about your post secondary
18 education?

19 Are you familiar with the term post secondary
20 the way we use it here, anything beyond your elementary
21 and high school?

22 A. Yes, I do.

23 Q. They may use a different terminology in
24 England, so college, college equivalent and graduate
25 school.

1 THE WITNESS: I don't understand the
2 question.

3 MR. MORENBERG: Q. Let me restate it.

4 You said you were aware that Saybrook was
5 training psychologists who became clinically licensed,
6 and Saybrook continued to train students that became
7 clinically licensed after you became its vice
8 president. So my question is: How were these changes
9 in managed care affecting Saybrook's graduates who were
10 able to qualify for licensure?

11 MS. GARCIA: Objection.

12 THE WITNESS: Saybrook didn't train people to
13 become clinical psychologists. We were not a training
14 program.

15 Saybrook provided education in psychology to
16 students who came seeking education in psychology, and
17 if they satisfied our requirements, they would get a
18 Ph.D. in psychology.

19 Some of those students went on additionally
20 beyond Saybrook to qualify for eligibility to sit for
21 licensing as psychologists. Some states call
22 psychologists clinical psychologists, some don't, but
23 their eligibility for licensing is a state-by-state
24 issue.

25 What Saybrook provided was an education in

1 psychology. We did not train clinical psychologists.

2 MR. MORENBERG: Q. Didn't you offer clinical
3 courses?

4 MS. GARCIA: Objection.

5 THE WITNESS: The courses that we offered
6 were a broad spectrum of courses, and I don't remember
7 what the names of all of those courses were.

8 MR. MORENBERG: Q. Dr. O'Hara, you don't
9 remember if you were offering courses with a clinical
10 focus at Saybrook?

11 A. There were courses with a clinical focus at
12 Saybrook.

13 Q. And there were student groups that were called
14 clinical interest groups, correct?

15 A. Not when I came.

16 Q. So it's your testimony that after you were
17 president, there were no clinical interest group
18 meetings after that?

19 MS. GARCIA: Objection.

20 THE WITNESS: Tell me what you mean by a
21 clinical interest group.

22 MR. MORENBERG: Q. Well, Saybrook had
23 periodically, at residential conferences, meetings of a
24 clinical interest group. So why don't you tell me what
25 that is.

1 Q. You mentioned that there was a concern about an
2 APA model licensing act. Was that discussed at the
3 faculty meeting?

4 A. I don't recall.

5 Q. But that's an example of your awareness of
6 cultural and other changes impacting the future of
7 humanistic psychology?

8 A. I was aware of that.

9 Q. When did you become aware of that APA licensing
10 act?

11 A. I think about 1995.

12 Q. You mentioned that Saybrook was facing
13 increased competition from for-profit institutions. Is
14 Saybrook a nonprofit institution?

15 A. Yes, it is.

16 Q. For how long has it been a nonprofit
17 institution?

18 A. Always.

19 Q. And does -- strike that.

20 Did anyone in that faculty committee mention
21 that Saybrook was considering a change for-profit
22 status?

23 A. No.

24 Q. Have there ever been any discussions at
25 Saybrook during the time of your tenure as its vice

1 specific kinds of changes that at that time would have
2 had to have been made for Saybrook to be eligible for
3 APA accreditation.

4 I'll repeat what I've said is that at that time
5 Saybrook was not a professional psychology program. It
6 was not a program that had been developed to train
7 psychologists.

8 Q. But at that time, Dr. O'Hara, Saybrook was
9 actively training a large number of students whose
10 objective was to sit for and qualify for clinical
11 licensure.

12 MS. GARCIA: Objection.

13 THE WITNESS: Actually, I stated very clearly
14 that we were not training students. We were offering an
15 education in psychology, and the education in psychology
16 was very varied because of the kind of educational model
17 that we had. And some of the students who got their
18 education at Saybrook subsequently went on and sought
19 licensing in their various states.

20 But Saybrook provided an education for students
21 in psychology. It was not a professional psychology
22 program and did not set up the program with the
23 intention that students go on to seek licensing. If
24 they so chose to do, they did, but that's not what
25 Saybrook was about.

1 A. I don't know.

2 Q. Well, Dr. O'Hara, between 1997 and 1999, you
3 were the vice president of academic affairs, correct?

4 A. Correct.

5 Q. And between 1999 and 2005, you were its
6 president?

7 A. Correct.

8 Q. As president, you had overall responsibility
9 for the administration of the school?

10 A. Correct.

11 Q. And it's your testimony that you can't tell me
12 who would know how many Saybrook students were
13 documenting internships?

14 MS. GARCIA: Objection.

15 THE WITNESS: That's what I'm saying.

16 MR. MORENBERG: Q. Who documented
17 internships?

18 A. The internship coordinator.

19 Q. And who is Saybrook's internship coordinator
20 presently?

21 A. I don't know.

22 Q. Who was Saybrook's internship coordinator in
23 1997?

24 A. Dr. Zania Johnson. Oh, no, '97. I'm sorry.
25 But she wasn't --

1 Q. But you would agree that for those students
2 whose objective was clinical licensure, this type of
3 information would be helpful in determining whether a
4 Saybrook education was appropriate and was a good value?

5 A. I would agree with that.

6 Q. If that's your opinion, why was this type of
7 communication not provided to students consistently
8 before February of 2004?

9 A. We became aware as a consequence of the letter
10 from Susan Cooney that the situation in Massachusetts
11 was that students were not -- because Saybrook was not
12 APA accredited, there was a bar to students in
13 Massachusetts sitting for the licensing exam no matter
14 what educational program they had taken.

15 At that point, we realized that Susan Cooney,
16 despite warnings, despite communications to all
17 students, that it was her obligation to be up to date
18 with what was going on in her state, that despite all of
19 our communications to students to that effect, she had,
20 in fact, not done that. And we felt that now we had to
21 go an extra step in communicating formally and in
22 writing specifically to alert students once again to
23 their obligation to do that and to give them a context
24 of the change in context with regards to the licensing
25 situation so that they would once again be reminded.

1 And we believed it was a good thing to do and
2 we were alerted to the importance of doing that because
3 Susan Cooney clearly had not taken advantage of all the
4 other verbal and catalog information and exhortation
5 that we had given to our students to make sure that they
6 kept up to date with the licensing laws. This was an
7 extra.

8 Q. I see, this was an extra effort.

9 Dr. O'Hara, those same catalogs told students
10 that through the CDPP, Saybrook was actively monitoring
11 licensure requirements in all 50 states?

12 MS. GARCIA: Objection.

13 THE WITNESS: CDPP is not Saybrook.

14 MR. MORENBERG: Q. CDPP is an organization
15 that is comprised of humanistic or diversified
16 psychology programs, correct?

17 A. Correct.

18 Q. And Saybrook is one of its members, correct?

19 A. Correct.

20 Q. Saybrook, in fact, is a founding member of
21 CDPP, correct?

22 A. One of the founding members.

23 Q. And for the period of 1995 through at least
24 1997, Rudy Malone was co-chair of CDPP, correct?

25 A. Yes.

1 Q. Have you ever been in Massachusetts on Saybrook
2 business?

3 A. Yes.

4 Q. And could you tell me when that occurred?

5 A. I don't remember the date, but I went to do a
6 meeting with Saybrook students in the New England area
7 and it was held in Cambridge at the Swedenborgian
8 Chapel, and it was an evening kind of come and meet the
9 president for primarily Saybrook students, a few
10 alumni. There was about nine or ten people there.

11 Q. And can you give me a rough time frame when
12 that occurred?

13 A. I knew you were going to ask that. I can't
14 remember, three years ago, four years ago. I don't
15 know, 2002. I don't know. I actually don't remember.
16 About that length of time.

17 Q. Were there any perspective students in
18 attendance?

19 A. I don't think so. I'm not sure who was in
20 attendance. I knew that there was people from
21 different -- Saybrook students. It really was a
22 gathering for Saybrook students and alumni.

23 Q. Did Susan Cooney attend that meeting?

24 A. Not as far as I know.

25 Q. Do you know if you ever met Susan Cooney?

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) DOCKET NO: 04 11572

) JLT

Deposition of
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PAGES 208 - 464

March 14, 2006
Volume 2

NOTICING ATTORNEY: PAUL W. MORENBERG, ESQ.

REPORTED BY: MARGARET GURULE, CA CSR No. 12976

G O L D E N G A T E R E P O R T E R S, LLC
35 Mitchell Boulevard, Suite 8
(415) 491-4611 * 1-800-442-4611
FAX (415) 491-4635

email: ggr35@depos.com web: [Http://www.depos.com](http://www.depos.com)

1 Q. Would you agree that Saybrook recruited a
2 fair number of students from Massachusetts?

3 MS. GARCIA: Objection.

4 THE WITNESS: What would you characterize -- I
5 don't know what you would characterize as "a fair
6 number."

7 BY MR. MORENBERG: Q. Well, more than a few.

8 During your tenure as vice-president,
9 president, do you have any idea how many students
10 from Massachusetts started a Saybrook Ph.D. program?

11 A. I don't know how many started a Ph.D.
12 student program from Massachusetts.

13 Q. Can you approximate?

14 A. No.

15 Q. While you were vice-president and
16 president, did you ever review any Massachusetts law
17 or regulations to determine if Saybrook graduates
18 were eligible for licensure?

19 A. No.

20 Q. And in your capacity as president and
21 vice-president, did you ever review the laws or
22 regulations of any other states to determine if
23 Saybrook graduates would be eligible for a
24 licensure?

25 A. No, I did not.

1 Q. Was there anybody at Saybrook who was
2 reviewing laws or regulations in states to determine
3 if Saybrook graduates would be eligible for
4 licensure during your tenure as president?

5 A. No. Saybrook isn't a licensing board and
6 has no capacity to make judgments about eligibility
7 for our graduates; so, no, we didn't have anybody
8 that was responsible for that.

9 Q. So it's your testimony on no occasion did
10 a Saybrook employee ever review regulations or
11 statutes in any jurisdiction to determine if
12 Saybrook graduates might qualify for licensure?

13 MS. GARCIA: Objection.

14 THE WITNESS: I don't know if any Saybrook
15 agent specifically reviewed such documents.

16 BY MR. MORENBERG: Q. You were aware that
17 students were encouraged to bring regulations to a
18 regulation orientation conference for purposes of
19 discussing them with a Saybrook representative?

20 A. Yes.

21 Q. And what was Saybrook's policy in that
22 regard?

23 A. Saybrook's policy was to instruct the
24 student to remain in close contact with their state
25 on any occasions they were advised to join their

1 BY MR. MORENBERG: Q. So could you please
2 explain that?

3 A. I don't think I said that. I'm sorry, I
4 don't think I said that.

5 Q. I asked you if there was any policy change
6 with respect to contacting the board and requesting
7 updates, and you -- I believe you said it was more
8 of a procedural issue?

9 MS. GARCIA: Objection. Can you just clarify
10 who?

11 MR. MORENBERG: We're talking about students
12 contacting boards.

13 MS. GARCIA: Thank you.

14 THE WITNESS: Students were always advised to
15 contact the boards. There was no change in that
16 policy or in that procedure.

17 BY MR. MORENBERG: Q. Well, Dr. O'Hara, as of
18 February 2004, Saybrook began communicating to
19 students its awareness of licensure obstacles in
20 18 jurisdictions and possibly 7 more.

21 Was that not a change in Saybrook's policy
22 on communicating its knowledge of licensure issues.

23 MS. GARCIA: Objection.

24 THE WITNESS: It was a continuation of our
25 policy of informing students that it was their

1 responsibility to be aware of what was going on in
2 their states with regards to regulations for
3 eligibility for licensing.

4 BY MR. MORENBERG: Q. Between 1997 and 1995,
5 during your tenure as vice-president and president,
6 did you ever seek the advice of any attorney
7 regarding whether Saybrook graduates would be
8 eligible for licensure in any jurisdiction?

9 MS. GARCIA: Objection only to the dates.

10 THE WITNESS: No.

11 BY MR. MORENBERG: Q. Do you know if anyone at
12 Saybrook sought legal advice between 1997 and 2005?

13 A. No, I'm not aware of that.

14 Q. And let me correct my prior question.

15 I assume your answer is the same, but
16 between 1997 and 2005, you never sought legal
17 counsel to interpret any regulations concerning
18 licensure in any jurisdiction?

19 A. As far as I know.

20 Q. Would you agree, as a matter of policy,
21 that Saybrook did not intentionally admit students
22 who were seeking to pursue clinical license as a
23 psychologist from states who do not accept a
24 Saybrook degree?

25 A. No, I would not agree with that.

1 MS. GARCIA: Objection.

2 THE WITNESS: All students who were interested
3 in becoming licensed were recommended to avail
4 themselves of the information provided by the
5 licensing boards and to be aware of the regulations
6 in their state for someone who would be licensed as
7 a psychologist.

8 Saybrook consistently, regularly,
9 routinely and vigorously informs students to do
10 that. Beyond that, I can't tell you if there were
11 any specific courses or specific educational
12 elements in the curriculum that were specifically
13 used.

14 Q. In other words, Saybrook regularly,
15 routinely, traditionally passed the buck?

16 MS. GARCIA: Objection.

17 MR. MORENBERG: You may answer.

18 THE WITNESS: I'm not going to answer a
19 question phrased that way.

20 BY MR. MORENBERG: Q. I'm afraid that --

21 A. I don't know what you mean by "passed the
22 buck."

23 Would you define "passed and buck,"
24 please?

25 Q. Yes, I will.

1 Have you ever heard the phrase "passing
2 the buck"?

3 A. I think it's an American expression. I'm
4 not exactly sure what it means.

5 Q. Okay. Well, my understanding of what it
6 means is when someone disavows responsibility for
7 something and assigns it to another party.

8 A. I don't believe that Saybrook abdicated
9 its responsibility in this issue.

10 Q. But it's your position Saybrook had no
11 responsibility with respect to this issue?

12 MS. GARCIA: Objection.

13 THE WITNESS: I didn't say that.

14 BY MR. MORENBERG: Q. What was Saybrook's
15 responsibility?

16 A. Saybrook's responsibility was to provide
17 an education in psychology to students who had
18 applied for the doctoral program, and we did that.

19 Q. Turning your attention to the first
20 paragraph at page 37, Bates stamped S00537, quote:
21 "Because of the importance of these issues to the
22 future of psychologists, regardless of where they
23 work initially or later, evidence of the guided
24 discussion of these issues should be apparent in the
25 curriculum for doctoral training."

1 Q. And who are you referring to?

2 A. Dr. Katherine Clarke.

3 Q. And do you recall what Dr. Katherine
4 Clarke said in response?

5 A. No, I don't.

6 Q. Do you know if Saybrook was ever aware,
7 during your tenure as vice-president or president,
8 that Susan Cooney was pursuing a career objective to
9 become a clinical psychologist in Massachusetts?

10 A. I was not aware that Susan Cooney had told
11 us that she was intending to seek licensing in
12 Massachusetts.

13 Q. Well, my question, I think, was anybody at
14 Saybrook.

15 Do you believe that anyone at Saybrook had
16 an understanding of whether Susan Cooney had a
17 career objective to be a clinical psychologist in
18 Massachusetts?

19 A. It is my understanding that Susan Cooney
20 never expressed her intention to become licensed in
21 Massachusetts. As far as I know, she did not.

22 Q. And you are not aware that Susan Cooney's
23 application to Saybrook indicated she had a career
24 objective to become a clinician at a trauma clinic
25 at Massachusetts General Hospital?

1 problems before the board you had no duty to share
2 that with Susan Cooney?

3 A. I don't believe we did.

4 Q. And, Dr. O'Hara, did Saybrook or you
5 anticipate a specific problem whereby Massachusetts,
6 and perhaps other jurisdictions, were going to limit
7 licensure to programs that were certified by the
8 state and provincial psychology board?

9 A. We did know that some states were adopting
10 the state and provincial licensing boards as the
11 standard for graduate schools for their students to
12 be eligible for licensing.

13 Q. And when did you learn that?

14 A. After we got the letter from Susan Cooney
15 to find out that this was -- I'm sorry -- me
16 personally?

17 Q. Well, you can -- if it's a different
18 answer, answer.

19 A. Okay. Well, for me -- well, I don't know
20 when the school heard about it. When I heard about
21 it was when we received the Susan Cooney letter
22 informing us that she had been told that she was
23 ineligible because Saybrook was not a school so
24 designated by the APB -- the APPB.

25 Q. But before you learned it directly from

1 Dr. Cooney, did you know, or did you have reason to
2 know, that that restriction was being considered by
3 Massachusetts and other jurisdictions?

4 A. I was not aware that was being considered
5 by Massachusetts.

6 MS. GARCIA: Paul, it's after 5:00. Are you
7 almost done?

8 MR. MORENBERG: We're almost done.

9 (Exhibit 61 marked.)

10 MR. MORENBERG: Q. Dr. O'Hara, can you tell me
11 what this is?

12 A. This is an article that I wrote for the
13 AHP Prospective magazine which is a magazine for the
14 Association of Humanistic Psychology.

15 Q. And, Dr. O'Hara, I would like to turn your
16 attention to page 2 of this exhibit --

17 A. Uh-huh.

18 Q. -- the fourth paragraph.

19 Quote, "A third threat to humanistic
20 psychology professionals comes from changes underway
21 in accreditation criteria being applied by states
22 for the right to sit for licensure. Pushed by the
23 same 'turf-war' forces, many state psychology boards
24 are attempting to make graduation from a doctoral
25 program on the designated list of the State and

1 Q. And in this article, are you and other
2 people interviewed about challenges to the image and
3 the future of humanistic psychology?

4 A. I have to read it. I don't remember. I
5 mean, I remember that this article was published. I
6 don't remember what was in it.

7 Q. Okay. Take a moment and review it.

8 A. Sure.

9 Q. If you could take a look at page 4, under
10 "APA accredited."

11 A. Yeah.

12 Q. Quote, "But, says O'Hara, when it comes to
13 evaluating clinical outcomes, she believes APA
14 doesn't regard these methods as empirically valid.
15 As a result, most graduate programs in humanistic
16 psychology haven't sought APA accreditation.
17 Consequently, students are often denied an
18 opportunity to take state licensing exams because
19 some state laws require candidates to graduate from
20 APA-accredited programs."

21 Do you recall making that statement?

22 A. Yes.

23 Q. And what steps did you or Saybrook take to
24 advise students with a clinical interest that many
25 of them could be denied licensure because they were

1 not from an APA-accredited program?

2 A. We systematically told students, when they
3 came into the program, that they should consult
4 their local -- their state licensing board to
5 ascertain whether their licensing requirements --
6 what their license requirements were and whether
7 their Saybrook program was going to be appropriate
8 for that for that state.

9 We never undertook to monitor that from
10 students and nor could we have done.

11 Q. Well, you also never undertook to share
12 information that you had about known problems, did
13 you?

14 A. I disagree with you. We shared what
15 information we had when we got it, but we did not
16 undertake to do a systematic monitoring state by
17 state of the changing landscape of licensing for
18 every student, nor could we have done that.

19 Q. But you didn't share information regarding
20 Richard Francis or Dr. Burke's situation, as well as
21 my client, Susan Cooney?

22 A. I have already answered that question.

23 Q. In the next line, quote, "'We have
24 systematically challenged that,' says O'Hara."

25 What were you referring to there?

1 potential problems in 25 jurisdictions?

2 A. Yes.

3 Q. And prior to that, I could find no
4 communication where Saybrook had advised students of
5 problems in those jurisdictions.

6 MS. GARCIA: Objection.

7 MR. MORENBERG: Let me strike that.

8 THE WITNESS: Oh, thank you.

9 BY MR. MORENBERG: Q. Prior to the
10 February 2004 communication, the only communication
11 that I'm aware of is a notice that Saybrook provided
12 to students matriculation in or around 1995 that
13 advises them of problems in approximately five
14 jurisdictions.

15 Are you aware of any efforts by Saybrook
16 to alert students to problems in licensure as they
17 became known?

18 MS. GARCIA: Objection.

19 THE WITNESS: I think there is a statement in
20 every one of our catalogs, which I believe you have
21 been given, which explained to students Saybrook's
22 position with regard to licensing and their -- and
23 the fact that licensing laws are always changing and
24 that they should take it upon themselves to make
25 sure they stay in touch with whether or not the

1 licensing laws in their state would present any
2 obstacles for them.

3 I think we told them that every single
4 year, and we told them that at every single
5 orientation, so we actually did undertake to tell
6 them that. But we did not undertake to monitor
7 state by state what was going on in the licensing
8 realm.

9 Q. Nor did you undertake to tell them about
10 the specific knowledge you had about impending
11 changes in Massachusetts.

12 MS. GARCIA: Objection.

13 A. I think I've answered the question.

14 MR. MORENBERG: This will be the last exhibit.

15 (Exhibit 66 marked.)

16 BY MR. MORENBERG: Q. Are you familiar with
17 this document?

18 A. Yes, I am.

19 Q. And what is this document?

20 A. It's a memo to the chair of the board from
21 the president, dated October 28, on enrollment
22 issues and marketing.

23 Q. And is it fair to say that the board
24 wanted you to address its concern about a recent
25 drop in enrollment that brought Saybrook below its